

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>REGINALD DEKEITH MIMS,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>Case No. 5:08-CV-203(HL)</b>
	:	
<b>LINDA A. FARR and RUSSELL</b>	:	
<b>ANDERSON,</b>	:	
	:	
<b>Defendants.</b>	:	

**ORDER**

Before the Court is Plaintiff's Motion to Appeal In Forma Pauperis ("IFP") (Doc. 41). Pursuant to 28 U.S.C. § 1915, "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). In addition, Federal Rule of Appellate Procedure 24 provides:

a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

- (A) shows...the party's inability to pay or to give security for fees and costs;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

Fed. R. App. P. 24(a)(1). Thus, a motion to proceed IFP on appeal should be granted only if the moving party shows an inability to pay, and the district court determines that the appeal is being brought in good faith.

In this case, Plaintiff has demonstrated an inability to pay the filing fee for his appeal, but he is not entitled to proceed IFP on appeal because the appeal is not taken in good faith. In the context of 28 U.S.C. § 1915, good faith means that the litigant seeks the review of issues that are not frivolous from an objective standard. United States v. Wilson, 707 F. Supp. 1582, 1583 (M.D. Ga. 1989). Plaintiff has not pointed the Court to any nonfrivolous issues that he intends to present on appeal. As a result, his Motion to Appeal IFP is denied.

**SO ORDERED**, this the 13<sup>th</sup> day of January, 2009

**s/ Hugh Lawson**  
**HUGH LAWSON, Judge**

dhc